

Remarks

Claims 1-4, 8 and 17-21 were previously amended. Claims 1, 8, and 18 are presently amended. Claims 1-25 are pending in this application. The Examiner has rejected claims 1-4, 6-9, 11, 13-21 and 23-25 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,173,317 to Chaddha, et al. (hereinafter “Chaddha”).

The Examiner has rejected claims 5, 10 and 22 under 35 U.S.C. § 103(a) as being unpatentable over Chaddha in view of U.S. Patent No. 7,007,098 to Smyth, et al. (hereinafter “Smyth”).

The Examiner has rejected claim 12 under 35 U.S.C. § 103(a) as being unpatentable over Chaddha in view of “Official Notice”. Applicants respectfully traverse the Examiner’s rejections.

A. Remarks Regarding Rejection of Claims 1-25 Under 35 U.S.C. § 103(a)

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Chaddha fails to teach or suggest all the claim limitations of independent claims 1, 8, and 18. Specifically, the combination fails to teach or suggest that “the thin media client is operable ... to receive status information from the one or more sources of digital media content” as required by the independent claims. Examiner fails to explicitly address this limitation in the Office Action. However, Examiner cites to Chaddha as disclosing “client requests video/audio

content and receive the requested content.” Office Action at p. 2. The terms in a claim “must be ‘given their broadest reasonable interpretation consistent with the specification.’” MPEP 2111 (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005)). In interpreting the terms of a claim, a presumption is given that each term has a different meaning. *See, e.g., Innova/Pure Water, Inc. v. Safari Water Filtration Systems, Inc.*, 381 F.3d 1111, 1119-20, USPQ2d 1001 (Fed. Cir. 2004). It is also presumed that all the terms in a claim have meaning. *See, e.g., Bicon, Inc. v. Straumann Co.*, 441 F.3d 945, 950 (Fed. Cir. 2006).

Examiner’s interpretation of this limitation seeks to equate the terms “digital media content” and “status information” contrary to the Federal Circuit’s rules for claim interpretation. The cited portion of Chaddha states:

In one embodiment, the video/audio and annotation streams are produced by a capture module and an author module, and then stored in stream server(s) to be provided to one or more client computer(s) upon request. The capture module compresses the video stream using a suitable compression format, depending on the desired resolution(s) and frame rate(s). The author module then generates synchronization scripts which include annotation streams which are synchronized with the compressed video/audio streams.

Chaddha at 2:38-47. It is unclear what in Chaddha the Examiner cites to as disclosing “status information.” Applicants assume for the purposes of this response that Examiner is citing to the annotation streams of Chaddha. The annotation streams discussed in Chaddha do not equate to “status information” as these streams “include annotation frames which provide either pointer(s) to the event(s) of interest or include displayable data embedded within the annotation stream.” Chaddha at 2:47-50. An example of such data is ticker tape data. In contrast, the Specification states that a user can receive “notification concerning the status of an in-home digital device.” Specification at [0019]. Whereas Chaddha discusses receiving media content from different

sources, the present limitation requires media content from different sources as well as status information about devices in communication with the communications network. The Specification gives examples of an oven, doorbell, caller ID device, etc.—all examples of devices that send status information of the device. *Id.* Chaddha does not disclose that the thin media client receives such status information from devices in communication with the network.

Also, Chaddha does not disclose “retrieving the at least two instances of media content from one or more sources of digital media content” as required by independent claim 8 and similarly by independent claims 1 and 18. Chaddha discusses enabling “client computer(s) to retrieval and display synchronized annotated multimedia streams from servers.” Chaddha at 2:26-30. The streams discussed in Chaddha are synchronized video and audio streams from a given source. Whereas the present invention requires “instances”—for example, “independent digital video streams.” Specification at [0007]. The audio/video content discussed in Chaddha would equate to one instance of content as Chaddha discusses the audio and video attributed to one instance. The present invention contemplates multiple instances such that a user can view video from, for example, one sporting event while listening to audio from a different sporting event—the two streams are not associated with the same content. This analysis applies similarly to the other limitations that include multiple instances. Thus, Chaddha does not disclose this limitation.

Further, Chaddha does not disclose that the thin media client does not perform pre-processing functions. Applicants have amended independent claims 1, 8, and 18 to clearly indicate that “the thin media client is not operable to perform the pre-processing function related to the data stream.” The Specification explicitly states that pre-processing functions include decoding and encoding. Specification at [0014]. Examiner states that Chaddha does not teach

this limitation. Office Action at p. 3. The Examiner equates the browser and plug-in of Chaddha to the thin media client required by this limitation. However, the thin media client of the present invention explicitly must not perform any pre-processing functions. Chaddha explicitly discusses that the client computer, which contains a browser plug-in, *is operable to* perform pre-processing functions. Chaddha at Figure 9. For instance, Figure 9 of Chaddha depicts element 964 which performs video/audio decoding. *See* Chaddha at Figure 9 and 8:60-64 (stating that “the encoded video/audio streams are decoded by decoder 964.”). Thus, Chaddha does not disclose that “the thin media client *is not operable* to perform pre-processing functions related to the data stream” as required by the amended independent claims.

As Chaddha fails to teach or suggest each and every element of independent claims 1, 8, and 18, Chaddha does not anticipate these claims. Applicants respectfully submit that these independent claims as amended are allowable. Additionally, Applicants submit that dependent claims 2-7, 9-17 and 19-25 are allowable, as they depend from otherwise allowable base claims.

B. Remarks Regarding Rejection of Dependent Claims 2-7, 9-17 and 19-25 Under 35 U.S.C. § 103

The rejection of dependent claims 2-7, 9-17 and 19-25 will not be discussed individually herein, as each of these claims depends, either directly or indirectly, from an otherwise allowable base claim.

C. No Waiver

All of Applicants’ arguments and amendments are without prejudice or disclaimer. Additionally, Applicants have merely discussed example distinctions from the cited references. Other distinctions may exist, and Applicants reserve the right to discuss these additional distinctions in a later Response or on Appeal, if appropriate. By not responding to

additional statements made by examiner, Applicants do not acquiesce to examiner's additional statements, such as, for example, any statements relating to what would be obvious to a person of ordinary skill in the art. The example distinctions discussed by Applicants are sufficient to overcome the anticipation rejections. The current amendments to the claims are sufficient to overcome the novelty and obviousness rejections.

Conclusion

Applicants respectfully submit that the pending claims 1-25 of the present invention, as amended, are allowable. Applicants respectfully request that the rejection of the pending claims be withdrawn and that these claims be passed to issuance.

Respectfully submitted,



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